

**State of New Jersey
Department of Law & Public Safety
Division on Civil Rights**



**Report to the NJ Commission on Civil Rights
Operation NJ-PAASS for Calendar Year 2004**

New Jersey Polling Accessibility for All Sites in our State

By J. Frank Vespa-Papaleo, *Director*
NJ Division on Civil Rights

James Sincaglia, *Chief*
Operation NJ-PAASS

Ralph Menendez, *Coordinator*
Operation NJ-PAASS

June 14, 2005





State of New Jersey

RICHARD J. CODEY
Acting Governor

DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION ON CIVIL RIGHTS
P.O. Box 089
Trenton, NJ 08625-089

PETER C. HARVEY
Attorney General

J. FRANK VESPA-PAPALEO, ESQ.
Director

June 14, 2005

Honorable Olga Vazquez-Clough, Chairwoman
New Jersey Commission on Civil Rights
140 East Front Street, 6th Floor
Trenton, New Jersey 08625

Re: Report on ***Operation NJ-PAASS*** for Calendar Year 2004
(New Jersey Polling Accessibility for All Sites in our State)

Dear Chairwoman Vazquez-Clough:

In 2004, the Commission on Civil Rights, in conjunction with Attorney General Peter C. Harvey, requested that the Division on Civil Rights engage in a widespread and thorough initiative to inspect New Jersey's polling sites.

The purpose of this initiative is to assure that all of New Jersey's polling sites are accessible to persons with mobility impairments by making sure that elections are held in locations free of barriers to persons who use wheelchairs, walkers, canes, crutches, or otherwise cannot negotiate stairs and steep inclines and may require ramps, accessible parking, and other reasonable accommodations. From this, ***Operation NJ-PAASS*** was born (which stands for New Jersey Polling Accessibility for All Sites in our State) was born.

Attached hereto is a report of our findings and recommendations resulting from our review of three major elections conducted in 2004. This report was written with the major assistance and work of James Sincaglia, Chief of ***Operation NJ-PAASS***, and Ralph Menendez, Coordinator of ***Operation NJ-PAASS***. Their leadership combined with the collaboration of many partners and all DCR staff, make this—the Division's broadest investigation—serve as a model for how our agency can work on a large, statewide scale to improve access for persons with disabilities. After all, as Attorney General Peter C. Harvey explained in describing the need for this initiative: "*In the not too distant past, many people in our nation fought—and many gave their lives—for the cause of access to the ballot for all citizens. The fight for voting rights tells you something about the power that voting confers upon each citizen. [As a result,] we must ensure that every person who wants to vote can physically gain access to his or her designated polling site.*"



The Division is committed to continuing Operation NJ-PAASS in 2005 and to identifying ways to make all sites fully accessible to persons with disabilities. I know the Commission has expressed support for this continuing effort, and we anticipate producing an annual report with the results of our election inspections, to encourage compliance with the NJ Law Against Discrimination, now celebrating its 60th year. Of course, as you have heard Attorney General Harvey explain, *"We will not rest until New Jersey has achieved 100 percent polling place accessibility; and we stand ready to take enforcement action in any situation where violations related to disabled access are not being addressed after a reasonable amount of time."*

Operation NJ-PAASS seeks to avoid the expenses associated with enforcement actions such as lawsuits. Instead, we encourage election officials to expend limited government resources on improving accessibility rather than on litigation costs. Through this report and subsequent ones to the Commission, we hope to achieve the 100% accessibility that is not only required by law, but which is expected by New Jersey's citizens when exercising their constitutional right to vote.

As you will see in the following pages, our 2004 inspections, 873 in all, already resulted in dramatic improvement of accessibility to our State's polling sites. There is much work to be done, but this report demonstrates that we truly can make all New Jersey polling sites accessible.

Thank you for making **Operation NJ-PAASS** a top priority of the Commission.

Respectfully submitted,



J. Frank Vespa-Papaleo
Director, NJ Division on Civil Rights

CC: New Jersey Commission on Civil Rights Commissioners
Attorney General Peter C. Harvey
Division of Elections Director Ramon de la Cruz

**Making New Jersey's Polling Sites Accessible to
Persons with Mobility Impairments Through Operation NJ-PAASS**

The New Jersey Law Against Discrimination (LAD), enacted in 1945 as the first state civil rights statute in the nation, has been instrumental in protecting the rights of New Jersey's residents in employment, housing, and the use of places of public accommodation. One of the nation's most progressive laws, known for its breadth and progressive protections of residents, since 1972, the LAD has required that places of public accommodation be accessible to persons with disabilities. For 18 years before enactment of the federal Americans with Disabilities Act, the LAD provided this important civil rights protection for persons in New Jersey.

Since outlawing discrimination against persons with disabilities, New Jersey has established legal protections for millions of people, ensuring that they are provided barrier-free access to some of the State's most important institutions-our courthouses, our schools, and our government buildings and services. But perhaps there is no greater place of public accommodation requiring access for our citizenry than the sites of our elections, where adult citizens, regardless of their race, religion, sex, age, national origin, sexual orientation, or disability, show up on election days to exercise their Constitutional right to vote. For too long, however, some individuals with mobility disabilities have been physically unable to reach certain polling sites. These polling places lack barrier-free paths of travel, accessible parking, visible signage directing the voter to barrier-free entrances and exits, and voting areas that are entirely accessible to a voting citizen who uses a wheelchair, crutches, a walker, cane, or otherwise requires barrier-free access to the polling sites.

For these reasons, in 2004, the New Jersey Commission on Civil Rights and Attorney General Peter C. Harvey directed the New Jersey Division on Civil Rights (DCR) to review the issue, collect necessary information, collaborate with stakeholders, and develop a strategy to make all New Jersey polling sites accessible to persons with mobility impairments. Consequently, in 2004 the DCR established the State of New Jersey's first-ever polling site accessibility initiative, called "***Operation NJ-PAASS***," for Polling Accessibility for All Sites in our State.

Operation NJ-PAASS operates to help ensure that all voters can safely pass along the voting route and exercise their constitutional right to vote. As Attorney General Peter C. Harvey publicly assured our residents, in 2004, “There is [a] crucial element [to elections] that we cannot—and will not—overlook: we must ensure that every person who wants to vote can physically gain access to his or her designated polling site.”¹ It is clear that no eligible voter should be denied the constitutional right to vote because of a disability. No New Jersey citizen should be treated as “separate but equal” by being forced to use some alternative voting mechanism, such as an absentee ballot, when the law requires that elections be held in accessible polling places. To that end, we have taken great strides through **Operation NJ-PAASS** to evaluate where we are as a State and where we need to be to achieve 100 % accessibility. As Attorney General Harvey explained, “We have begun a comprehensive, statewide effort to inspect polling sites, identifying those that are not 100% accessible, and have those sites either improved or, in the alternative, relocated.”² Through **Operation NJ-PAASS** we “will not rest until New Jersey has achieved 100% polling place accessibility, and we stand ready to take enforcement action in any situation where violations related to disabled access are not being addressed after a reasonable amount of time.”³ Failure to provide access to polling sites for persons with mobility disabilities may violate not only the LAD, but also the federal Help America Vote Act (HAVA).⁴ Consequently, it is imperative to achieve 100% accessibility immediately, but to do so, requires a comprehensive state-wide review and assessment of polling sites. This is one purpose of **Operation NJ-PAASS**.

Operation NJ-PAASS focuses on making all of New Jersey’s polling sites accessible for persons with mobility impairments or weaknesses that require barrier-free access. **Operation NJ-PAASS** is the DCR’s largest and most substantial initiative in its 60 year history.

Operation NJ-PAASS has 5 major components:

- (1) to identify and engage inter-agency and intra-agency collaboration between State, County, Municipal, and advocacy stakeholders concerned with making our elections free from discrimination against persons with mobility disabilities;
- (2) to train, educate and share information on enhancing polling site accessibility with said stakeholders and agencies;

- (3) to investigate, gather, and share data on polling site accessibility for persons with mobility impairments who are voters in New Jersey elections;
- (4) to use information obtained through inspections to reduce the number of inaccessible polling sites; and
- (5) to make recommendations for making all of New Jersey's polling sites accessible to persons with mobility impairments.

Identification & Engagement of Stakeholders

Over the past several years, New Jersey has seen unprecedented attention paid to the issue of polling site accessibility. During this time, the New Jersey Division of Elections has been the principal state-wide agency responsible for working with election officials in all 21 counties to bring attention to the issue of polling site accessibility. With the Division of Elections, the DCR has successfully worked to identify and engage inter-agency and intra-agency stakeholders in New Jersey elections to help collaborate on issues of improving accessibility to persons with mobility impairments. Through this process, we have engaged as collaborators experts from the New Jersey Department of Law & Public Safety, the Department of Community Affairs, the Department of Treasury, election officials in all 21 counties, municipal clerks, New Jersey Protection & Advocacy, the New Jersey Council on Developmental Disabilities, and others. This inter-agency and intra-agency collaboration is unprecedented in focusing on the issue of improving accessibility state-wide. By identifying stakeholders, we have been able to collaborate to identify problem areas and provide solutions to these problems.

Training, Education, and Information Sharing

Through the identification of stakeholders, the DCR and the NJ Division of Elections have been able to engage in unprecedented collaboration to help make all of New Jersey's polling sites accessible. Working with the Division of Elections, as well as other agencies and organizations, we have been able to provide critical training resources to decision-makers and stakeholders. The Division of Elections hosted numerous, free Polling Place Accessibility Workshops for election officials and others. The DCR also attended numerous meetings and

gatherings with county election officials to discuss how to improve accessibility and to share our collective knowledge and legal resources. Municipal and county election officials have been instrumental in helping to share training resources, as have numerous advocacy organizations. Polling site accessibility has required a collaborative process, and has involved every county election official, municipal clerk, attorneys for government agencies, advocates for persons with disabilities, advocates for election officials, experts in access issues, trainers, investigators, and countless others who worked together in a collaborative venture, all with the same goal—to make all of New Jersey’s polling sites accessible to persons with mobility impairments. But collaboration on training must continue.

Part of the information sharing required that the DCR collect field data to assess current accessibility of New Jersey’s polling sites. The Division promised to all stakeholders that the data would be shared and made available so that deficiencies in polling site access could be identified and strategies could be employed to address them. This report provides the initial findings of *Operation NJ-PAASS* for the 2004 elections.

Polling Site Inspection Methodology

In the first year of *Operation NJ-PAASS*, the DCR undertook the most comprehensive inspection and investigation in its 60 year history. The goal of *Operation NJ-PAASS* is to inspect every single polling site in New Jersey, in order to assess the access to the polling site for persons with mobility disabilities or who otherwise need barrier-free access to their polling site. In 2004, there were nearly 4,000 polling sites statewide.

In 2004, through *Operation NJ-PAASS*, the Division on Civil Rights performed an assessment of polling places throughout the State of New Jersey to ensure that these sites are accessible to persons with disabilities. Polling site inspection teams included personnel from the DCR, NJ Division of Consumer Affairs, and the Office of the Attorney General. The inspection teams were trained and provided with sets of specially designed accessibility survey tools and instruments. These tools are used for measuring the adequacy of parking spaces, the incline of slopes leading to polling places, the required clearances of access routes and doorways at the polling

locations, and the amount of force required to open interior doors. The polling site inspection teams used survey forms that included a comprehensive checklist detailing accessibility requirements in several areas, which included:

- Parking
- Accessible Routes
- Ramps and Curb Cuts
- Entrances and Elevators
- Accessible Interior Routes
- Signs to Accessible Routes
- Accessible Voting Equipment

To be clear, ***Operation NJ-PAASS*** deals exclusively with the issue of accessibility to persons with *mobility* impairments. It does not deal with the actual voting machines or other voting systems for persons with other disabilities, such as persons who are blind, visually impaired, deaf, or hard of hearing. The acquisition and use of new voting systems in all New Jersey counties, however, will address many of the issues pertaining to access for persons with those disabilities by 2006. In 2006, election officials will be required to operate elections with high tech voting systems that are accessible to persons with vision or hearing loss, and other disabilities. Therefore, ***Operation NJ-PAASS*** does not address access to polling places except as it applies to persons who are wheelchair users, use a cane or walker, or otherwise need barrier-free access to the polling site due to a mobility impairment.

In 2004, ***Operation NJ-PAASS*** was conducted on three separate election days: the May 11 Non-partisan Municipal Election, the June 8 Primary Election, and the November 2 General Election. On these three days, the DCR closed all of its offices in order to have sufficient personnel for inspection teams to conduct the field inspections in all parts of the State of New Jersey. In total, these teams visited polling sites in each of 140 municipalities in all 21 counties.

Inspection Results from 2004 & Reducing Inaccessible Sites

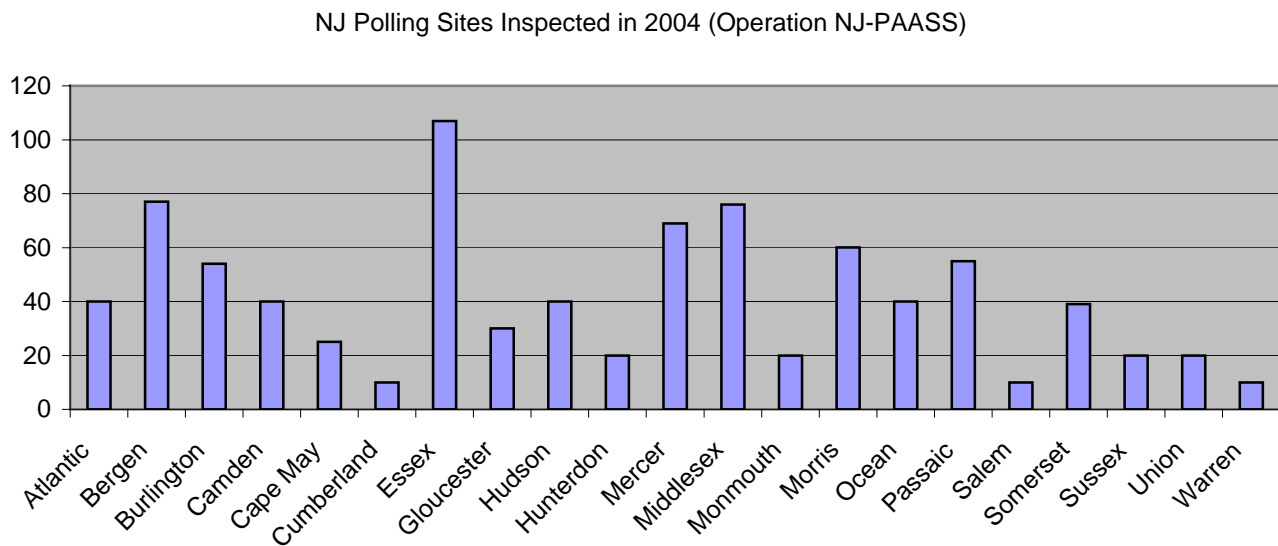
Inspection teams recorded information detailing deficiencies that could preclude a voter with a mobility disability from exercising his or her right to enter the polling site to vote. Subsequent to each election's inspections, the DCR sent to the appropriate election officials, a "Notice of Non-Compliance," detailing the specific site that failed inspection, the basis for the failure, and specific observations of deficiencies resulting in the polling site's inaccessibility.

Local election officials promptly corrected access issues at many "non-compliant" polling sites reported to them by the DCR. "Non-compliant" sites were randomly re-inspected in later elections to determine whether the election officials had addressed prior accessibility issues. Many of the re-inspected sites properly addressed issues raised by the DCR and the sites were subsequently repaired or otherwise made accessible upon re-inspection. What was made clear by these inspections, notices of non-compliance, and re-inspections, is that the problems discovered at most "non-compliant" sites were corrected in subsequent elections and many remedies to non-compliant sites are free or of minimal expense. *Operation NJ-PAASS* provided a mechanism to conduct inspections, identify the problems, and provide the counties with information regarding specific polling site deficiencies requiring correction. Most election officials worked collaboratively with the DCR when they received the notices of non-compliance, and many of the issues have been resolved.

Specifically, on May 11, 2004, 33 inspection teams surveyed a total of 162 polling sites. Of the total 162 inspected sites, 109 exhibited deficiencies in access for persons with mobility disabilities. Notices of Non-Compliance were sent to election officials responsible for each deficient site, comprising 67% of the sites inspected.

On June 8, 2004, a total of 38 inspection teams surveyed 382 polling sites. Deficiencies were discovered at 219 of these sites or 57%. Notices of Non-Compliance were sent to election officials responsible for each deficient site. The Inspection Notices included detailed information regarding the specific deficiencies found at each deficient polling location.

Finally, on November 2, 2004, **Operation NJ-PAASS** deployed 38 inspection teams which surveyed 329 polling sites, 93 of which exhibited deficiencies in accessibility for persons with mobility disabilities, exhibiting a 28% non-compliance rate. At the General Election, the **Operation NJ-PAASS** inspection teams conducted 80 re-inspections of sites that previously had failed. Two-thirds of the re-inspected sites were found to have corrected the previously observed accessibility deficiencies. As had been done with the two prior inspections, Notices of Non-Compliance and inspection reports were sent to the county boards responsible for the deficient polling places.⁵



Distribution of Polling Sites Inspected by County

Atlantic 40 Sites Inspected

Absecon, Atlantic City, Galloway Township, Hamilton Township, Linwood, Margate City, Pleasantville, Ventnor City

Bergen 77 Sites Inspected

Bergenfield, Elmwood Park, Fair Lawn, Garfield, Hackensack, Lyndhurst, Mahwah, Ridgefield Park, Ridgewood, Teaneck

Burlington 54 Sites Inspected

Burlington City, Burlington Township, Cinnaminson Township, Delran, Delran Township, Evesham Township, Medford Lakes, Mt. Holly Township, Westampton Township, Willingboro Township

Camden 40 Sites Inspected

Audubon, Camden, Collingswood, Gloucester Township, Haddonfield, Pennsauken

Cape May 25 Sites Inspected

Avalon, Cape May, Lower Township North Wildwood, Ocean City, Sea Isle City, Stone Harbor, West Cape May, West Wildwood, Wildwood, Wildwood Crest

Cumberland 10 Sites Inspected

Millville, Vineland

Essex 107 Sites Inspected

Belleville, Caldwell, Cedar Grove, East Orange, Irvington, Maplewood, Millburn, Montclair, Nutley, South Orange, Verona, West Caldwell, West Orange

Gloucester 30 Sites Inspected

Colonial Manor, West Deptford, Deptford, Glassboro, Greenfields, Pitman, Thorofare, Verga, Woodbury

Hudson 40 Sites Inspected

Bayonne, Hoboken, Jersey City, Kearny, West New York

Hunterdon 20 Sites Inspected

Clinton Township, Flemington, Lambertville City, Lebanon, Raritan, Readington

Mercer 79 Sites Inspected
 East Windsor Township, Ewing Township, Hamilton Township, Hightstown,
 Hopewell, Hopewell Township, Lawrence Township, Pennington, Princeton Boro,
 Princeton Township, Titusville, Trenton, Washington Township, West Windsor
 Township

Middlesex 76 Sites Inspected
 East Brunswick, Edison, Monroe, Old Bridge, Parlin, Perth Amboy, Piscataway,
 Sayreville, South Amboy, Spotswood

Monmouth 20 Sites Inspected
 Allenhurst, Asbury Park City, Bradley Beach, Deal, Freehold Township, Keansburg,
 Monmouth Beach Borough, Tinton Falls Borough

Morris 60 Sites Inspected
 Chatham, Denville, East Hanover, Florham Park, Jefferson Township, Kinnelon,
 Montville Township, Morris Township, Morristown, Parsippany-Troy Hills
 Township, Pequannock Township, Riverdale

Ocean 40 Sites Inspected
 Beach Haven Terrace, Brant Beach, Howell Township, Island Heights, Jackson,
 Lakewood, Loveladies, Manchester, Whiting

Passaic 55 Sites Inspected
 Clifton, Little Falls, Passaic, Paterson, Totowa, Wayne

Salem 10 Sites Inspected
 Carneys Point, Pedrickton, Penns Grove, Pennsville

Somerset 39 Sites Inspected
 Basking Ridge, Bedminster, Bridgewater, Franklin Township, Hillsborough

Sussex	10 Sites Inspected Andover Borough, Sparta
Union	20 Sites Inspected Elizabeth, Hillside, Union
Warren	10 Sites Inspected Great Meadows, Hackettstown

Based on the data received for **Operation NJ-PAASS** in 2004, the inspection teams surveyed a total of 793 polling sites in 140 municipalities, including 80 additional re-inspections. As demonstrated above, **Operation NJ-PAASS** inspected polling sites in every county.

Using Inspections & Data Collection to Reduce Inaccessible Sites

The results of the 2004 **Operation NJ-PAASS** inspections uncovered significant problems in several areas. Among the most common deficiencies identified were a *lack of adequate accessible parking* and a *lack of appropriate signage directing voters to accessible routes and entrances to the polling sites*. Also, of the 793 polling places inspected in 2004, seven (7) were not accessible without navigating stairs, with no elevators or ramps available, a clear indication that these polling sites are not accessible to persons with mobility impairments. These sites should be relocated to accessible buildings, or temporary wheelchair lifts installed for elections.

Below are summaries of the inspection reports from the 2004 polling site inspections conducted as a part of **Operation NJ-PAASS**, explaining the number of deficiencies (“failed”) discovered during that election inspection state-wide, and the basis for the deficiency designation of “failed.”

May 11, 2004 Polling Place Accessibility Survey Report Summary

Failed

Basis for Non-Compliant (Failed) Designation

62	Accessible parking (for persons with disabilities) unavailable or not adequately marked.
64	Accessible parking does not meet size/location requirements.
33	Path of travel to site too narrow or poorly surfaced.
15	Ramps/curb ramps missing, too narrow or poorly surfaced.
13	Ramp too steep, ramp landing too small.
21	Guardrails/handrails missing or do not meet requirement.
69	Accessible entryway not adequately marked.
12	Door hardware does not meet requirement.
27	Doorway/entryway too narrow or irregularly surfaced.
0	Elevator does not meet requirement.
23	Interior routes too narrow or irregularly surfaced.
4	Protruding or hanging objects obstruct route.
3	Site cannot be reached without using stairs.

TOTAL SITES = 162

TOTAL SITES FAILED = 109

June 8, 2004 Polling Place Accessibility Survey Report Summary

Failed

Basis for Non-Compliant (Failed) Designation

- 73 No parking space is designated for disabled persons.
- 50 Designated space is not the closest parking space on the shortest accessible route to the building entrance.
- 72 Parking space does not meet the requirements.
- 56 Parking space is not marked with the International Symbol of Accessibility and 'Reserved Parking'.
- 92 Each accessible sign does not contain the specific language required by N.J.S.A. 39:4-197(3)(c).
- 19 Parking space is not on level ground.
- 14 Parking space is not stable, firm and slip resistant.
- 40 Ramps or curb cuts do not permit people to move freely from parking surface to path of travel.
- 35 In the event that a polling location does not have permanent accessible parking spaces, temporary spaces can be designated for use by the disabled. Temporary accessible spaces are not clearly marked "for use only by the disabled" on Election Day. Temporary spaces are not located near an accessible polling place entrance.
- 29 Will off street metered parking be provided on Election Day? If yes, will such accessible parking spaces be reserved for the disabled by installing a meter cap over the meter? Such spaces should also be clearly marked for disabled use only.
- 7 Path of travel is not at least 3 feet wide.
- 7 Path of travel is not constructed of a stable firm and slip resistant surface.
- 15 Path of travel has changes in the level greater than 1/4".
- 19 Ramps/curb ramps do not have a minimum clear width of 3 feet.
- 14 Ramp surfaces are not stable, firm and slip resistant.
- 43 Ramp slopes are greater than 1 inch of rise per 12 inches of length.
- 30 Handrails on all ramps that have a rise exceeding 6 inches are lacking.
- 40 Projected edges used with drop-offs exceeding 6 inches are lacking.
- 15 If the ramp has a landing: a. the dimensions of the landing are less than 5 feet by 5 feet. or b. The guardrail around a landing that is 30 inches or more above the ground is lacking.
- 132 Accessible entrance is not identified by the International Symbol of Accessibility (wheelchair symbol).
- 42 Doorways do not provide a clear opening of 32 inches.
- 33 Thresholds are beveled with a slope exceeding 1:12 (1-inch rise per 12 inches of length).
- 59 Interior doors are not easy to open (exceeding 5 pounds pressure).
- 38 Door hardware is not easy to grasp with one hand without tight grasping or twisting of the wrist to operate. (Lever operated mechanism, push type mechanism and U shaped handles are acceptable designs).
- 2 Elevators do not provide a clear opening of 32 inches.
- 3 Elevator interior is not large enough to accommodate a wheelchair. (68x54 inches)
- 4 Elevator operating controls are not easy to use and reach.
- 8 Interior route is not at least 36 inches wide.
- 0 Ceiling is not at least 6 feet 8 inches high.
- 6 Route is not constructed of a stable, firm and slip-resistant surface.
- 6 There are abrupt changes in the elevation of the interior route (greater than one half inch).
- 13 Where carpeting is used, it is not securely attached.
- 2 Route is not well lighted.
- 11 Protruding objects that reduce the clear width of the route to less than 36 inches.
- 8 Hanging objects that reduce the minimum height of the route to less than 6 feet 8 inches.
- 15 Objects that protrude from the wall are not protected along their leading edges, between 27 inches and 80 inches above the floor. This is intended to protect people who are blind or who have low vision from bumping into an obstruction.
- 92 Signs are not used in order to direct voters to alternate accessible entrances.
- 34 Lettering of signs is not large enough to permit easy reading.
- 81 Tables that are used for signing the poll books do not have a clear knee space underneath that is at least 29 inches high and table top 30 inches wide.
- 91 Tabletop is not at least 34 inches above the floor.
- 21 Voting equipment is not usable by individuals with limited hand or arm motion.
- 1 Typed instructions at the voting machine are less than 14 type print.

TOTAL SITES = 382

TOTAL SITES FAILED = 219

November 2, 2004 Polling Place Accessibility Survey Report Summary

Failed

Basis for Non-Compliant (Failed) Designation

- 18 No parking space is designated for disabled persons.
- 21 Designated space is not closest parking space on shortest accessible route to building entrance.
- 10 Parking space does not meet the requirements.
- 18 Parking space is not marked with International Symbol of Accessibility and 'Reserved Parking'.
- 15 Each accessible sign does not contain the specific language required by N.J.S.A. 39:4-197(3)(c).
- 7 Parking space is not on level ground.
- 4 Parking space is not stable, firm and slip resistant.
- 21 Ramps or curb cuts do not permit people to move freely from parking surface to path of travel.
- 14 In the event that a polling location does not have permanent accessible parking spaces, temporary spaces can be designated for use by the disabled. Temporary accessible spaces are not clearly marked "for use only by the disabled" on Election Day. Temporary spaces are not located near an accessible polling place entrance.
- 10 Will off street metered parking be provided on Election Day? If yes, will such accessible parking spaces be reserved for the disabled by installing a meter cap over the meter? Such spaces should also be clearly marked for disabled use only.
- 5 Path of travel is not at least 3 feet wide.
- 5 Path of travel is not constructed of a stable, firm and slip resistant surface.
- 38 Path of travel has changes in the level greater than 1/4".
- 9 Ramps/curb ramps do not have a minimum clear width of 3 feet.
- 3 Ramp surfaces are not stable, firm and slip resistant.
- 22 Ramp slopes are greater than 1 inch of rise per 12 inches of length.
- 14 Handrails on all ramps that have a rise exceeding 6 inches are lacking.
- 13 Projected edges used with drop-offs exceeding 6 inches are lacking.
- 7 If ramp has a landing: a. the dimensions of the landing are less than 5 feet by 5 feet. or b. The guardrail around a landing that is 30 inches or more above the ground is lacking.
- 35 Accessible entrance is not identified by the International Symbol of Accessibility (wheelchair symbol).
- 15 Doorways do not provide a clear opening of 32 inches.
- 10 Thresholds are beveled with a slope exceeding 1:12 (1 inch rise per 12 inches of length).
- 13 Interior doors are not easy to open (exceeding 5 pounds pressure).
- 9 Door hardware is not easy to grasp with one hand without tight grasping or twisting of the wrist to operate. (Lever operated mechanism, push type mechanism and U shaped handles are acceptable designs)
- Elevators do not provide a clear opening of 32 inches.
- 3 Elevator interior is not large enough to accommodate a wheelchair. (68x54 inches)
- 3 Elevator operating controls are not easy to use and reach
- 2 Interior route is not at least 36 inches wide.
- 1 The ceiling is not at least 6 feet 8 inches high.
- 2 The route is not constructed of a stable, firm and slip-resistant surface.
- 42 There are abrupt changes in the elevation of the interior route (greater than one half inch).
- 4 Where carpeting is used, it is not securely attached.
- 1 The route is not well lighted.
- 6 Objects that protrude from the wall are not protected along their leading edges, between 27 inches and 80 inches above the floor. This is intended to protect people who are blind or who have low vision from bumping into an obstruction.
- 34 Signs are not used in order to direct voters to alternate accessible entrances.
- 11 The lettering of signs is not large enough to permit easy reading.
- 7 The tables that are used for signing the poll books do not have a clear knee space underneath that is at least 29 inches high and table top 30 inches wide.
- 9 The tabletop is not at least 34 inches above the floor.

TOTAL SITES = 329

TOTAL SITES PASSED= 236

TOTAL SITES FAILED = 93

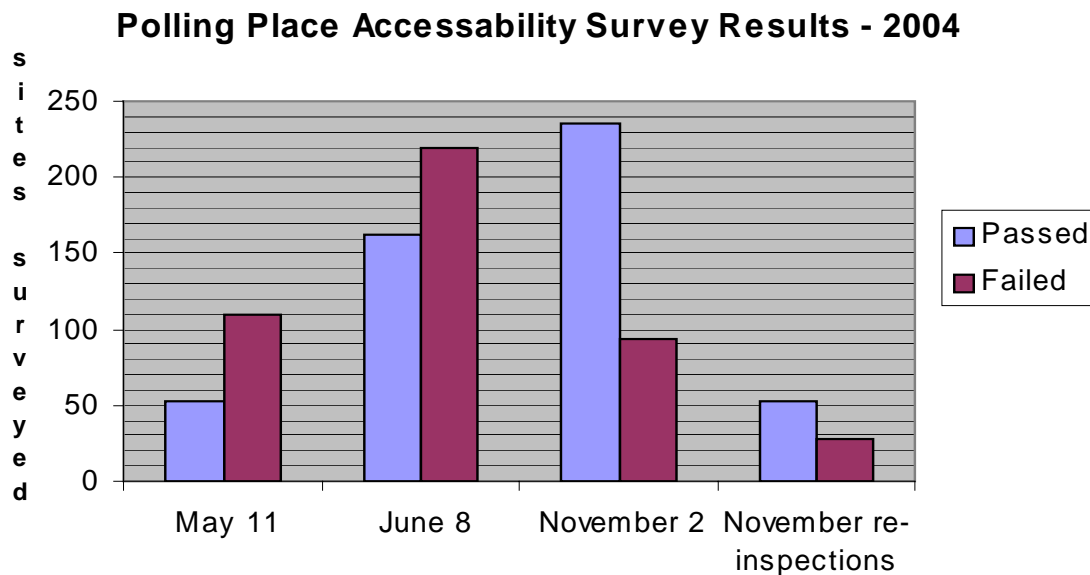
Number of Sites Re-Inspected = 80

Number of Re-inspected Sites Passed = 52

Number of Re-inspected Sites Failed = 28

As explained above, once **Operation NJ-PAASS** identified deficiencies at various polling sites, election officials were advised in writing of the deficiencies and the basis for the issuance of a Notice of Non-Compliance by the DCR. All election officials overseeing elections held at sites that were deemed to be deficient were advised of the nature of the deficiency and advised to make the appropriate modifications to the specific polling sites. Many of the modifications consisted of simple, inexpensive, and obvious actions, such as unlocking the doors adjacent to ramps, placing the voting machines in a room with an accessible route, posting accessibility signs so that voters with disabilities would know which entrance to use, or unlocking the gates to the wheelchair lifts.

It is abundantly clear that the **Operation NJ-PAASS** inspections have increase the number of polling sites accessible to persons with mobility disabilities. A review of the results of the re-inspections reveals that there was substantial improvement in repairing sites that were previously designated as “non-compliant” by the inspectors.



As the above graph illustrates, there were significant improvements in the accessibility of polling sites surveyed during the 2004 election cycle. These improvements can be attributed to two factors. The first is the continued commitment of the Department of Law & Public Safety and Attorney General Peter C. Harvey to ensuring that polling places are made accessible to all citizens of this State. This commitment manifested itself in authorizing this Division to enter into a

cooperative initiative with the Division of Elections, and numerous state, county, and local agencies, to aggressively direct its resources to assess the accessibility of polling sites through inspections, outreach and education. These activities served to place county and local election officials on notice of the importance of providing accessible polling sites. Secondly, county and local election officials enthusiastically accepted the intent of this initiative and made significant efforts to achieve as high a degree of voter accessibility as was feasible given the brief period in which this initiative has existed. This was accomplished by working with other state agencies and disability advocacy groups to improve accessibility of designated polling locations. Without the collaboration of the election officials, such substantial improvement in access could not have been achieved.

The continued cooperative relationship among these groups should ensure that further, and more significant improvements will be made during the upcoming election cycles. In this regard, the Division plans to continue conducting polling place accessibility surveys during 2005 and 2006. These surveys will include new sites and the re-inspection of previously surveyed sites to determine whether the deficiencies cited have been corrected and to identify remaining sites that require modifications.

Initial Recommendations

Given the scope and breadth of the findings to date of *Operation NJ-PAASS*, the Division on Civil Rights respectfully recommends the following series of initial recommendations to ensure that New Jersey's election sites are all accessible to persons with disabilities, specifically those with mobility impairments. In that regard, the Division makes recommendations for implementation in these key areas:

1. Continue to identify and engage State, County, Municipal and advocacy stakeholders concerned with making our elections free from discrimination against persons with mobility disabilities;
2. Continue to train, educate and share information on enhancing polling site accessibility with said stakeholders and agencies;
3. Continue to survey polling place accessibility and identify non-compliant polling sites;

4. Continue to use information obtained through inspections to reduce the number of inaccessible polling sites;
5. Meet with county and local election officials, share inspection results and make specific recommendations in an effort to bring all of New Jersey's polling sites into compliance with accessibility requirements for persons with mobility impairments;
6. Study the use of election day "waivers";
7. Provide funds for pre-election day accessibility inspections to minimize election day inspection failures;
8. Assess and improve the polling-site designation process to ensure that only accessible sites are certified for elections;
9. Explore legislative and regulatory options for increasing access to voting for persons with disabilities; and
10. Continue to issue public assessment reports about the status of accessibility to polling sites.

¹ *Outreach: NJ Division on Civil Rights Newsletter*, "Ensuring Disabled Access to Polling Sites is Vital to Genuine Democracy," Summer 2004, pp 2,4.

² *Id.*

³ *Id.*

⁴ According to the US Department of Justice in a letter dated March 4, 2005 to the Assistant Secretary of State for Elections in Mississippi, "[a]s we have expressed, logically, persons with disabilities must be able to gain access to the polling place in order to be able to use the accessible voting system [which is required under HAVA as of January 2006]. Having an accessible voting system does little good if voters cannot enter the polling place to use it. Hence, not only must the voting system be accessible to persons with disabilities but also the polling place where the voting system is located." See letter dated March 4, 2005 from Hans A. von Spakovsky, Counsel to the Assistant Attorney General, to John W. Eads, Esq., Assistant Secretary of State for Elections, Office of the Secretary of State, Mississippi at: <http://www.usdoj/crt/voting/hava/msdisability.pdf>.

⁵ In addition to notifying County Boards of Election, in writing, of the problems encountered at the polling sites, these findings were shared with election officials at the Post-Election Forums held on July 14, 2004 and February 2, 2005, and at a meeting of disability advocacy groups and State officials on August 23, 2004.